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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-31

12 **DOROTHY ELAINE-PAGE COKER**  
13 3688 First Avenue #23  
14 San Diego, CA 92103

**A C C U S A T I O N**

15 **Registered Nurse License No. 656221**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Heidi Goodman (Complainant) brings this Accusation solely in her official capacity  
21 as the Assistant Executive Officer of the Board of Registered Nursing, Department of Consumer  
22 Affairs.

23 2. On or about April 14, 2005, the Board of Registered Nursing issued Registered Nurse  
24 license number 656221 to Dorothy Elaine-Page Coker (Respondent). The Registered Nurse  
25 license was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on January 31, 2011, unless renewed.

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1 herself, or furnish or administer to another, any controlled substance as defined in  
2 Division 10 (commencing with Section 11000) of the Health and Safety Code or  
any dangerous drug or dangerous device as defined in Section 4022.

3 (b) Use any controlled substance as defined in Division 10 (commencing  
4 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
5 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent  
6 or in a manner dangerous or injurious to himself or herself, any other person, or  
7 the public or to the extent that such use impairs his or her ability to conduct with  
8 safety to the public the practice authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the prescription,  
10 consumption, or self-administration of any of the substances described in  
11 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
12 record pertaining to, the substances described in subdivision (a) of this section, in  
13 which event the record of the conviction is conclusive evidence thereof.

14 . . . .

15 9. Section 2765 provides:

16 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
17 charge substantially related to the qualifications, functions and duties of a registered nurse is  
18 deemed to be a conviction within the meaning of this article...."

19 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
22 license was issued.

23 11. California Code of Regulations, title 16, section 1444, states:

24 A conviction or act shall be considered to be substantially related to the  
25 qualifications, functions or duties of a registered nurse if to a substantial degree it  
26 evidences the present or potential unfitness of a registered nurse to practice in a  
27 manner consistent with the public health, safety, or welfare....

28 12. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any  
diversion program under the Penal Code, or successful completion of an alcohol  
and drug problem assessment program under Article 5 (commencing with section  
23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
agency established under Division 2 ([Healing Arts] commencing with Section  
500) of this code, or any initiative act referred to in that division, from taking  
disciplinary action against a licensee or from denying a license for professional  
misconduct, notwithstanding that evidence of that misconduct may be recorded in  
a record pertaining to an arrest.

1 This section shall not be construed to apply to any drug diversion program  
2 operated by any agency established under Division 2 (commencing with Section  
3 500) of this code, or any initiative act referred to in that division.

3 13. Section 493 of the Code states:

4 Notwithstanding any other provision of law, in a proceeding conducted by a  
5 board within the department pursuant to law to deny an application for a license or  
6 to suspend or revoke a license or otherwise take disciplinary action against a  
7 person who holds a license, upon the ground that the applicant or the licensee has  
8 been convicted of a crime substantially related to the qualifications, functions, and  
9 duties of the licensee in question, the record of conviction of the crime shall be  
10 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
11 and the board may inquire into the circumstances surrounding the commission of  
12 the crime in order to fix the degree of discipline or to determine if the conviction is  
13 substantially related to the qualifications, functions, and duties of the licensee in  
14 question.

11 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'  
12 and 'registration.'

13 14. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to  
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or  
17 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

19 15. Title 16, California Code of Regulations section 1445, subdivision (b), provides the  
20 following criteria for evaluating the rehabilitation of a licensee as follows:

21 (b) When considering the suspension or revocation of a license on the  
22 grounds that a registered nurse has been convicted of a crime, the Board, in  
23 evaluating the rehabilitation of such person and his/her eligibility for a license will  
24 consider the following criteria:

- 24 (1) Nature and severity of the act(s) or offense(s).  
25 (2) Total criminal record.  
26 (3) The time that has elapsed since commission of the act(s) or offense(s).  
27 (4) Whether the licensee has complied with any terms of parole, probation,  
28 restitution or any other sanctions lawfully imposed against the licensee.  
(5) If applicable, evidence of expungement proceedings pursuant to  
Section 1203.4 of the Penal Code.  
(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 clothing revealed no contraband. She was placed in the patrol vehicle and transported to San  
2 Diego Police headquarters.

3 20. At police headquarters, Respondent elected to submit to a blood test instead of a  
4 breath test. After the blood draw was completed, Respondent was escorted to a work table in the  
5 booking area where Officer K. began to take inventory of the contents of Respondent's purse to  
6 complete the paperwork for booking Respondent. The officer found a black plastic container  
7 with a snap-close lid inside Respondent's purse. Inside the container, the officer found a blue  
8 plastic baggie with a white powdery substance, two cut plastic straws and an unsealed envelope.  
9 The unsealed envelope contained three more blue plastic baggies of a white powdery substance.  
10 Respondent immediately said, "That's not mine!" The officer also found \$280 in \$20  
11 denominations. Officer K. tested the white powdery substance, which tested positive for a  
12 cocaine-based narcotic. In all, 2.80 grams of cocaine was found in Respondent's possession.

13 21. While seated at the booking table, Respondent admitted she used narcotics in the past  
14 and that she bought the cocaine found in her purse from H.M. for \$150. Respondent admitted to  
15 using cocaine for the three months prior to her arrest, having started using cocaine at a party with  
16 friends. Respondent further admitted she did not want to use cocaine on a regular basis but  
17 enjoyed the feeling cocaine gave her.

18 22. Respondent was charged with 1) possession of a controlled substance, cocaine, in  
19 violation of Health and Safety Code section 11350(a), a felony; and, 2) driving under the  
20 influence of alcohol and a drug, in violation of Vehicle Code section 23152(a), a misdemeanor.

21 23. As a result of Respondent's guilty plea to both charges on November 14, 2008,  
22 judgment on Count 1 (possession) was deferred for 18 months under Penal Code Section 1000, et  
23 seq., and Respondent was required to complete a deferred entry of judgment treatment program.  
24 As to Count 2 (DUI), Respondent was sentenced to summary probation for 5 years, required to  
25 pay fines and fees of \$2,197, required to perform community service for 10 days and ordered to  
26 enroll in and complete a first conviction program for 3 months.

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